

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-192-E - ORDER NO. 2002-506

JULY 9, 2002

IN RE: South Carolina Electric & Gas Company,)	ORDER DENYING
)	INJUNCTIVE RELIEF
Complainant,)	
)	
vs.)	
)	
Palmetto Electric Cooperative, Inc.,)	
)	
Respondent.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Injunctive Relief filed by South Carolina Electric & Gas Company (SCE&G), the Complainant in this matter. In its Motion, the Complainant moves for an order to enjoin the Defendant Palmetto Electric Cooperative, Inc. (Palmetto or the Coop.) from the construction of permanent electric lines and the installation of permanent electric facilities in territory assigned to SCE&G, namely, in that territory in which Walsh Fabrication, Inc. (Walsh) is scheduled for construction on a site near Hardeeville, South Carolina. Because the question is moot, we deny the Motion.

In its Return to the SCE&G Motion, Palmetto asserts that permanent service to the Walsh site was established on May 9, 2002, prior to the filing of the motion in question or the action in general. This is supported by the filed affidavit of G. Thomas Upshaw, President and Chief Executive Officer of Palmetto. No countervailing affidavits

JULY 9, 2002

PAGE 2


have been filed by SCE&G. Accordingly, the subject of the Motion in question is moot, and the Motion for Injunctive Relief must be denied.

However, this decision shall in no way affect our decision on the merits of the case, which will be made after a full hearing on the matter. If we find that the permanent service is improper, and that SCE&G should properly serve, we may order removal of the facilities. This fact is acknowledged by the Return of the Coop. Of course, if we find that the Coop. is properly serving the Walsh site, no removal order will be required.


At this time, however, we deny SCE&G's Motion, since it is moot.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)